



# CITY OF MEMPHIS

## COUNCIL AGENDA

October 5, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (September 21, 2004)**

## **CONSENT AGENDA**

### **GENERAL ORDINANCE - FIRST READING** (none)

### **GENERAL ORDINANCE- SECOND READING**

1. **ORDINANCE** to amend Chapter 2, Article IX, Code of Ordinances, City of Memphis, so as to update the Occupational Safety and Health Program Section, up for **S E C O N D** reading.

Marshall

Ordinance No. 5081

ACTION REQUESTED: Adopt the ordinance on Second reading

### **ZONING ORDINANCE - FIRST READING**

2. **ORDINANCE** rezoning the south side of Holmes Road; +/-429 feet east of Airways Boulevard, containing 42.96 acres in the Single Family Residential (R-S8) and Multiple Dwelling Residential (R-ML Districts), up for **F I R S T** reading.

Peete

Ordinance No. 5083

Case No. Z 04-132

Applicant: William H. Thomas, Jr.

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

### **ZONING ORDINANCES - SECOND READING**

3. **ORDINANCE** rezoning an area bounded on the north by Frayser Boulevard, on the south by the north parcel lines of the third parcel on the west side of Benjestown Road from Whitney Avenue and the north parcel line of the second parcel from Whitney Avenue on Benjestown Road, and on the west and east by the back parcel lines along Benjestown Road, up for **S E C O N D** reading.

Peete

Ordinance No. 5082

Case No. RC 04-402

Applicant: Division of Planning and Development  
Terry Emerick, Planning Director – Representative

Request: Establish the above location along Benjestown Road as a Residential Corridor as recommended by the Frayser Comprehensive Plan

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

- 4. **ORDINANCE** rezoning an area generally bounded on the north by the Loosahatchie River, on the east by the I.C. Railroad, on the south by the Wolf River, and on the west by the Mississippi River, up for S E C O N D reading. (Held from 9/21)

Peete

Ordinance No. 5078  
Case No. Z 04-131

Applicant: Memphis/Shelby County Office of Planning & Development  
Terry Emerick, Planning Director – Representative

Request: Adopt the comprehensive rezoning of the Frayser Planning District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

- 5. RESOLUTION approving final plat of CAROLINA LOFTS.

Contract No. CR-4892  
(Case No. (SCBID 04-07))

Resolution approves the final plat of Carolina Lofts, located on the southeast corner of Carolina Avenue and Kansas Street. Cost of the required improvements to be borne by Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATION FROM OPD**

- 6. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 04-354cc – WOODLAND HILLS P.D. AMENDMENT TO PARCEL 4

Located on the west side of Macon View Drive; +230 feet south of Macon Road, containing 0.40 acre and is currently governed by P.D. 03-352

Applicant: Coastal Fuels (Jim Ethridge)  
Fisher & Arnold Engs (Jud Te Paske) – Representative

Request: Add a “Specialty Meats Market” (a.k.a. a butcher’ shop) as a permitted use in Parcel 4

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: October 19, 2004**



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125 N. Main Street

Memphis, TN 38103-2017

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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## MLGW FISCAL CONSENT

7. Resolution approving payment to the Memphis Regional Chamber for the 2004 commitment to "Think Memphis – A Partnership for Prosperity" in the amount of \$120,000.00.(Held from 9/21)

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

8. APPOINTMENTS

Marshall

#### Reappointments

#### Civilian Law Enforcement Review Board

David Acey  
Dr. Richard Ranta  
Reverend Ralph White

#### GENERAL ORDINANCES - THIRD AND FINAL READING (none)

#### EXECUTIVE DIVISION (none)

#### FINANCE & ADMINISTRATION (none)

#### DIVISION OF FIRE SERVICES (none)

#### DIVISION OF GENERAL SERVICES

9. RESOLUTION including major modifications/improvements, CIP Number GS01007 as part of the FY2005 Capital Improvement Program. Resolution seeks to appropriate \$700,000.00 in construction funds, funded by G.O. Bonds General.

Jones

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION including Capital Acquisition 05, CIP Number GS02002 as part of the FY2005 Capital Improvement Program. Resolution seeks to amend by replacing a \$25,000.00 tractor with a \$25,000.00 cab and chassis for a burned out sweeper.

Jones

ACTION REQUESTED: Adopt the resolution

- 11. RESOLUTION authorizing purchase of real property and appropriates funds for the purchase of improved real property containing 8.65 acres on the west side of Austin Peay Highway, north of Yale Avenue, in the total amount of \$2,000,000.00.

Jones

Resolution authorizes the purchase of the property known as 3545 Austin Peay Highway based on market value. The subject property provides both the convenient location at the required distance from City Hall and the space needed for the Information Services project. Resolution appropriates \$1,890,000.00 for the purchase price, and the estimated costs for closing of \$5,000.00, environmental studies of \$5,500.00, engineering reports and network connectivity of \$99,000.00, for a total of \$2,000,000.00 from G.O. Bonds General, in the FY 2005 Capital Improvement Budget, Project No. IS01002 Disaster Recovery

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System. The Resolution also authorizes the Mayor and proper City Officials to execute the purchase agreement and ancillary documents on behalf of the City of Memphis.

Director of General Services and Director of Information Services recommend approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

- 12. RESOLUTION amending the FY 2005 Capital Improvement Budget by transferring an allocation of \$2,120,000.00 funded by G.O. Bonds-General within MHA-Uptown Hurt Village, project number CD 01014, from construction to land acquisition. Resolution appropriates \$3,000,000.00 in G.O. Bonds-General for MHA-Uptown Hurt Village, project number CD01014, for construction and land acquisition.

Ford

ACTION REQUESTED: Adopt the resolution

- 13. RESOLUTION amending the CIP by transferring an allocation and appropriating funds from Neighborhood Strategy Improvements to NCC North Center.

Ford

ACTION REQUESTED: Adopt the resolution

- 14. RESOLUTION amending the FY 2005 Capital Improvement Budget by transferring an allocation and appropriating \$500,000.00 in G.O. Bonds-General from the Middle Income Developer's Assistance Program, project number CD01025, to Wesley Forest Phase III, project number CD01050, for costs associated with infrastructure construction.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (none)

**LAW DIVISION** (none)

**DIVISION OF PARK SERVICES**

- 15. RESOLUTION amending the FY 2005 Capital Improvement Budget by transferring and appropriating and allocation of \$350,892.00 in Construction from PK10001, Liberty Bowl Improvements to Construction in PK10006, McCarver Stadium Demolition funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

- 16. RESOLUTION appropriating \$65,000.00 for the design and the implementation of a new Seating Manifest in PK1001, Liberty Bowl Improvements, funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (none)

**DIVISION OF PUBLIC SERVICES** (none)

**DIVISION OF PUBLIC WORKS** (none)

**ZONING ORDINANCES - THIRD AND FINAL READING**

- 17. **ORDINANCE** rezoning the southeast corner of Thomas Street and Knox Street, containing .23 acres in the Planned Commercial (C-P) District, up for T H I R D and F I N A L reading. (Held from 8/3;9/7;9/21)

Peete

Ordinance No. 5069  
Case No. Z 04-124

Applicant: Paul E. Harless

Marshall Law – Representative

Request: Amend the Planned Commercial (C-P) on Lots 103 and 104 to permit a car wash facility, rezone Lot 77 from Planned Commercial (C-P) to Single Family Residential (R-S6)

LUCB recommendation: APPROVAL of amended C-P and rezoning to R-S6

OPD recommendation: REJECTION of request for Local Commercial

ACTION REQUESTED: Take whatever action Council deems advisable

**63 NOTICES MAILED ON JULY 23, 2004**

18. **ORDINANCE** rezoning the north side of Fox Plaza Drive; +147 feet east of Mendenhall Road, containing .79 acre in the Local Commercial (C-L) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5077  
Case No. Z 04-130

Applicant: John Galbrath

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**18 NOTICES MAILED ON SEPTEMBER 24, 2004**

19. **ORDINANCE** rezoning the northwest corner of Appling Road and Goodlett Farms Parkway, containing 35.9 acres in the Light Industrial (I-L[FCD]) District, Fletcher Creek Drainage Basin, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5080  
Case No. Z 04-126cc  
(Companion Case: PD 04-355cc)

Applicant: Mid-America Baptist Theological Seminary  
Jud TePaske, Fisher & Arnold – Representative

Request: College University (CU) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**56 NOTICES MAILED ON SEPTEMBER 24, 2004**

**DIVISION OF PLANNING & DEVELOPMENT** (none)

**PUBLIC HEARINGS**

20. **RESOLUTION** approving a planned development located in the Ridgeway-Nonconnah Center Planned Development, Amended, containing 9.68 acres in Parcel B, P.D. 02-303.

Peete

Case No. PD 04-339

Applicant: Acheson Properties, LLC  
Ronald Harkavy – Representative

Request: Amend conditions of Parcel B to permit Automobile Dealership (Acura of Memphis)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**54 NOTICES MAILED ON SEPTEMBER 24, 2004**

21. RESOLUTION approving a planned development located on the southwest corner of Ridgefield Road and Poplar Avenue, containing a total of 18,000 square feet (0.413 acre); 9,662 square feet on Lot 1 and 7,605 square feet on Lot 2 in the Single Family Residential (R-S6) District.

Peete

Case No. PD 04-342

Applicant: Robert Durbin  
Cindy Reaves – SR Consulting – Representative

Request: Two (2) lot residential development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

22. RESOLUTION approving a planned development located on the northside of Summer Avenue (U.S. Highway 70); +/-1,120 feet east of Westbrook Road, containing 8.69 acres in the Agricultural (AG) District.

Peete

Case No. PD 04-344cc

Applicant: GreenScape, Inc.-Frank Colvett, Sr.  
Bray-Davis Firm, LLC - Representative

Request: Planned development to permit office and commercial uses, including a landscape contractor’s office with outdoor storage yard and display areas within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**244 NOTICES MAILED ON SEPTEMBER 24, 2004**

23. RESOLUTION approving a planned development located on the southwest corner of White Station and Sanderlin Road, containing 3.503 acres in the Single Family Residential (R-S10) District.

Peete

Case No. PD 04-351

Applicant: Bryan-Turley Properties  
Homer Branan – Representative

Request: Amend PD 03-356 to: 1) reduce the building height from 8 stories to 4 stories with a loft; 2) reduce the requested number of units from 118 to 64; 3) reduce the setback for buildings 2 stories and greater from 75 feet to 35 feet

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**223 NOTICES MAILED ON SEPTEMBER 24, 2004**

24. RESOLUTION approving a planned development located on the northwest corner of Goodlett Farms Parkway and Garrett Ridge Road, containing 11.86 acres regulated by the conditions of P.D. 97-315 (Applying Commons Planned Development, Area B).

Peete

Case No. PD 04-355cc  
(Companion Case: Z 04-126cc)

Applicant: Mid-America Baptist Theological Seminary  
Jud TePaske, Fisher and Arnold, Inc. - Representative

Request: Multiple Family Residential use – 128 apartment units as an ancillary use for a college, university or seminary

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**75 NOTICES MAILED ON SEPTEMBER 24, 2004**

- 25. RESOLUTION approving a street dedication located on the southern terminus of Hudgins Road; +/-1,100 feet south of Prada Avenue, containing 4,623 square feet in the Single Family Residential (R-S8) District.

Peete

Case No. SD 04-703

Applicant: Ferrell Properties, LLC  
SR Consulting, LLC – Representative

Request: Road Dedication

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**18 NOTICES MAILED ON SEPTEMBER 24, 2004**

- 26. RESOLUTION approving a street/alley closure beginning +109 feet south of Court Avenue; extending south to Madison Avenue, containing 0.032 acre in the Highway Commercial (C-H) District.

Peete

Case No. SAC 04-606

Applicant: Baptist Memorial Hospital  
Ollar Surveying Company – Representative

Request: Close and Vacate Alley Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**10 NOTICES MAILED ON SEPTEMBER 24, 2004**

- 27. RESOLUTION approving a street/alley closure located on the southern terminus of Hudgins Road; +/-1,100 feet south of Prada Avenue, containing 36,987 square feet in the Single Family Residential (R-S8) District.

Peete

Case No. SAC 04-611

Applicant: Ferrell Properties, LLC  
SR Consulting, LLC – Representative

Request: Close and Vacate Street Right-of-Way (**This closure starts at the Shelby County/Desoto County Line and proceeds north +/-630 feet to a point in the centerline of Hudgins Road**)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**18 NOTICES MAILED ON SEPTEMBER 24, 2004**

**GENERAL ITEM**

**ADJOURNMENT**

ADD-ONS

- 28. RESOLUTION approving a waiver of the special use permit, for Best Western Hotel, located at 8635 Highway 64.

Peete

ACTION REQUESTED: Adopt the resolution

- 29. RESOLUTION approving final plat of BENJESCIRCLE SUBDIVISION.

Consent

Case No. S 04-033cc

Resolution approves the final plat located on the east side of Benjestown Road, 598 feet north of Benjestown Circle. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 30. RESOLUTION approving sewer plan for PETERSON RIDGE SUBDIVISION SEWER EXTENSION.

Consent

Contract No. CR-4893

Resolution approves the sewer plan located on the west side of Billy Maher Road, 314.77 feet south of Fiske Road. Cost of the required improvements to be shared between the City and the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 31. RESOLUTION transferring allocations from various CIP projects and appropriating \$6,663,333.00 in G.O. Bonds General in CIP Project PD04011 Communications Upgrades for the purpose of increasing the number of radios and accessories required for the users of the City's Motorola emergency services radio system.

Sammons

ACTION REQUESTED: Adopt the resolution

- 32. RESOLUTION approving temporary structures on the streets, October 6<sup>th</sup> – 11<sup>th</sup>, 2004, from 8:00 a.m. until 6:00 p.m., for the Southern Festival of Books event.

Consent

ACTION REQUESTED: Adopt the resolution

- 33. RESOLUTION approving temporary structures on the streets, October 17, 2004, from 8:00 a.m. until 6:00 p.m., for the Kroger Kosher BBQ Contest & Festival.

Consent

ACTION REQUESTED: Adopt the resolution

(ADD-ONS CONT.)

NOTATION FROM OPD

6. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

B. Case No. SAC 04-601 – GREENLAW AVENUE ALLEY

Location extending west of North Second Street, 148.78 feet, midway between Greenlaw Avenue and Mill Avenue, containing 2454 Square Feet = 0.056 acre in the High Density Residential (HDR) District

Applicant: Memphis Land Bank  
SR Consulting, LLC – Representative

Request: Close & Vacate Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: October 19, 2004**

34. APPOINTMENTS

Marshall

Appointments

Memphis Light Gas & Water Board

V. Lynn Evans  
James L. Russell

35. RESOLUTION congratulating new Chief Executive Officer at Northwest Airlines.

Consent

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION thanking Richard Anderson NWA, for his services.

Consent

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION adopting a moratorium on building permits, in the Rozelle-Annesdale area until April 15, 2005.

Hooks

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 5 – Approved
- 6. Public Hearing set for October 19, 2004
- 7. Failed
- 8. Through 16 – Approved
- 17. Approved, as amended
- 18. and 19 – Approved
- 20. Held to October 19, 2004
- 21. Approved, as amended

22. Through 37 – Approved

**ACTION TAKEN ON THE MINUTES OF SEPTEMBER 21, 2004**

Approved, as amended – Item #24, Case No. PD 04-335 approved on September 7, 2004 was held from the Minutes of September 21, 2004. On October 5, 2004 Mrs. Hooks moved to add this item to the September 21, 2004 Minutes.